

admit or deny said allegations, and therefore, deny same and demand strict proof thereof by a preponderance of the evidence.

4. All remaining allegations directed against Mr. and Mrs. Brown in said Third Party Petition are specifically denied and Mr. and Mrs. Brown demand strict proof thereof by a preponderance of the evidence.

By way of further and affirmative defense, if need there be, Mr. and Mrs. Brown allege and state as follows:

1. The Third Party Petition fails to state a claim for which relief can be granted.

2. Third Party Plaintiff's Third Party Petition omits necessary parties without whom the claim cannot proceed.

3. Neither contribution nor indemnification may lie against Mr. and Mrs. Brown in favor of the Third Party Plaintiffs.

4. Any alleged damages herein were caused in whole or in part by Third Party Plaintiff's own actions.

5. Any damages herein were solely and proximately caused by the actions of third persons, not parties to this action, who were not agents, employees or servants of Mr. and Mrs. Brown and over whom Mr. and Mrs. Brown exercised no degree of authority or control.

6. The damages complained of in the Third Party Petition were solely and proximately caused by the actions of Third Party Plaintiffs, over whom Mr. and Mrs. Brown exercised no degree of authority or control.

7. Mr. and Mrs. Brown specifically deny the use of fertilizers as described in the Third Party Complaint.

8. Mr. and Mrs. Brown reserve the right to amend this Answer to add additional general and/or affirmative defenses upon the completion of discovery.

9. Mr. and Mrs. Brown adopt and reallege as if fully set forth here the arguments made by the State of Oklahoma to stay the Third Party proceedings or strike said pleadings.

WHEREFORE, premises considered, Third Party Defendants, Kermit and Katherine Brown (Mr. and Mrs. Brown) pray that Third Party Plaintiffs take nothing by way of said Third Party Petition, that they be dismissed from this action with their costs, and for such other and further relief as this Honorable Court deems just and equitable.

Respectfully submitted,

s/ Adam Scott Weintraub

Adam Scott Weintraub, OBA#13209
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Tulsa, OK 74103
918-582-0582
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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2006, I electronically transmitted a copy of the forgoing Answer of Kermit and Katherine Brown to Third Party Complaint to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Sharon K Weaver
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I hereby certify that on April 17, 2006, I served the same document by:

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Date: April 17, 2006 s/Adam Scott Weintraub

Adam Scott Weintraub